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May 16, 2022,

VIA CM/ECF

Hon. Jeremiah J. McCarthy
United States Magistrate Judge
Western District of New York
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Moog, Inc. v. Skyrise, Inc. et al., W.D.N.Y. Case No. 22-cv-187

Dear Judge McCarthy:

Winget, Spadafora & Schwartzberg, LLP represents defendants Robert Alin Pilkington (“Pilkington”) and Misook Kim (“Kim”) in the above-referenced matter. We write this letter pursuant to the Court’s instruction that the parties set forth their position concerning the present scheduling disputes. *See* Dkt No. 116.

Pilkington and Kim do not take a position on the question of whether the parties’ document production should be “completed” or “substantially completed” by the deadline set forth in the proposed scheduling order (“Proposed Order”). While Pilkington and Kim appreciate the parties’ positions, they do not believe the phrase “completed,” as set forth in the Proposed Order, means perfection. As such, there is no need to add “substantially” to the Proposed Order to exclude an otherwise unreasonable interpretation. Likewise, if a party improperly withheld responsive materials, the fact the Proposed Order only required substantial completion would not establish a defense to such dilatory conduct.

Pilkington and Kim join with Skyrise Inc.’s request that Plaintiff provide more specified information concerning the alleged trade secrets at issue. This information is material and necessary to Pilkington and Kim’s defenses. Plaintiff’s failure to provide this information is deeply prejudicial.

We thank the Court for its consideration of our request.

Respectfully submitted,

/s/ Anthony D. Green

cc: All parties of record (ViaCM/ECF)

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